



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0408

Introduced 01/26/07, by Rep. David R. Leitch - Roger L. Eddy

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-107

from Ch. 95 1/2, par. 6-107

625 ILCS 5/6-107.1

Amends the Illinois Vehicle Code. Provides that a minor holding an instruction permit or a graduated driver's license must display on any vehicle he or she is driving a sign or signs, approved by the Secretary of State, indicating that the vehicle is being driven by a new driver. Provides that the Secretary of State shall adopt rules for implementing the new provisions. Provides that the rules shall address the issue of whether a fee shall be charged for obtaining the sign or signs and the amount of the fee, if any.

LRB095 06388 DRH 26485 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 6-107 and 6-107.1 as follows:

6 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

7 Sec. 6-107. Graduated license.

8 (a) The purpose of the Graduated Licensing Program is to
9 develop safe and mature driving habits in young, inexperienced
10 drivers and reduce or prevent motor vehicle accidents,
11 fatalities, and injuries by:

12 (1) providing for an increase in the time of practice
13 period before granting permission to obtain a driver's
14 license;

15 (2) strengthening driver licensing and testing
16 standards for persons under the age of 21 years;

17 (3) sanctioning driving privileges of drivers under
18 age 21 who have committed serious traffic violations or
19 other specified offenses; and

20 (4) setting stricter standards to promote the public's
21 health and safety.

22 (b) The application of any person under the age of 18
23 years, and not legally emancipated by marriage, for a drivers

1 license or permit to operate a motor vehicle issued under the
2 laws of this State, shall be accompanied by the written consent
3 of either parent of the applicant; otherwise by the guardian
4 having custody of the applicant, or in the event there is no
5 parent or guardian, then by another responsible adult. The
6 written consent must accompany any application for a driver's
7 license under this subsection (b), regardless of whether or not
8 the required written consent also accompanied the person's
9 previous application for an instruction permit.

10 No graduated driver's license shall be issued to any
11 applicant under 18 years of age, unless the applicant is at
12 least 16 years of age and has:

13 (1) Held a valid instruction permit for a minimum of 3
14 months.

15 (2) Passed an approved driver education course and
16 submits proof of having passed the course as may be
17 required.

18 (3) Certification by the parent, legal guardian, or
19 responsible adult that the applicant has had a minimum of
20 50 hours of behind-the-wheel practice time, at least 10
21 hours of which have been at night, and is sufficiently
22 prepared and able to safely operate a motor vehicle.

23 (b-1) No graduated driver's license shall be issued to any
24 applicant who is under 18 years of age and not legally
25 emancipated by marriage, unless the applicant has graduated
26 from a secondary school of this State or any other state, is

1 enrolled in a course leading to a general educational
2 development (GED) certificate, has obtained a GED certificate,
3 is enrolled in an elementary or secondary school or college or
4 university of this State or any other state and is not a
5 chronic or habitual truant as provided in Section 26-2a of the
6 School Code, or is receiving home instruction and submits proof
7 of meeting any of those requirements at the time of
8 application.

9 An applicant under 18 years of age who provides proof
10 acceptable to the Secretary that the applicant has resumed
11 regular school attendance or home instruction or that his or
12 her application was denied in error shall be eligible to
13 receive a graduated license if other requirements are met. The
14 Secretary shall adopt rules for implementing this subsection
15 (b-1).

16 (c) No graduated driver's license or permit shall be issued
17 to any applicant under 18 years of age who has committed the
18 offense of operating a motor vehicle without a valid license or
19 permit in violation of Section 6-101 of this Code and no
20 graduated driver's license or permit shall be issued to any
21 applicant under 18 years of age who has committed an offense
22 that would otherwise result in a mandatory revocation of a
23 license or permit as provided in Section 6-205 of this Code or
24 who has been either convicted of or adjudicated a delinquent
25 based upon a violation of the Cannabis Control Act, the
26 Illinois Controlled Substances Act, or the Methamphetamine

1 Control and Community Protection Act while that individual was
2 in actual physical control of a motor vehicle. For purposes of
3 this Section, any person placed on probation under Section 10
4 of the Cannabis Control Act, Section 410 of the Illinois
5 Controlled Substances Act, or Section 70 of the Methamphetamine
6 Control and Community Protection Act shall not be considered
7 convicted. Any person found guilty of this offense, while in
8 actual physical control of a motor vehicle, shall have an entry
9 made in the court record by the judge that this offense did
10 occur while the person was in actual physical control of a
11 motor vehicle and order the clerk of the court to report the
12 violation to the Secretary of State as such.

13 (d) No graduated driver's license shall be issued for 6
14 months to any applicant under the age of 18 years who has been
15 convicted of any offense defined as a serious traffic violation
16 in this Code or a similar provision of a local ordinance.

17 (e) No graduated driver's license holder under the age of
18 18 years shall operate any motor vehicle, except a motor driven
19 cycle or motorcycle, with more than one passenger in the front
20 seat of the motor vehicle and no more passengers in the back
21 seats than the number of available seat safety belts as set
22 forth in Section 12-603 of this Code.

23 (f) No graduated driver's license holder under the age of
24 18 shall operate a motor vehicle unless each driver and
25 passenger under the age of 19 is wearing a properly adjusted
26 and fastened seat safety belt and each child under the age of 8

1 is protected as required under the Child Passenger Protection
2 Act.

3 (g) If a graduated driver's license holder is under the age
4 of 18 when he or she receives the license, for the first 6
5 months he or she holds the license or until he or she reaches
6 the age of 18, whichever occurs sooner, the graduated license
7 holder may not operate a motor vehicle with more than one
8 passenger in the vehicle who is under the age of 20, unless any
9 additional passenger or passengers are siblings,
10 step-siblings, children, or stepchildren of the driver.

11 (h) A person holding a graduated driver's license under
12 this Section must display on any vehicle he or she is driving a
13 sign or signs, approved by the Secretary of State, indicating
14 that the vehicle is being driven by a new driver.

15 The Secretary shall adopt rules for implementing this
16 subsection (h). The rules shall address, among other issues,
17 the issue of whether a fee shall be charged for obtaining the
18 sign or signs and the amount of the fee, if any.

19 (Source: P.A. 93-101, eff. 1-1-04; 93-788, eff. 1-1-05; 94-239,
20 eff. 1-1-06; 94-241, eff. 1-1-06; 94-556, eff. 9-11-05; 94-897,
21 eff. 6-22-06; 94-916, eff. 7-1-07; revised 8-3-06.)

22 (625 ILCS 5/6-107.1)

23 Sec. 6-107.1. Instruction permit for a minor.

24 (a) The Secretary of State, upon receiving proper
25 application and payment of the required fee, may issue an

1 instruction permit to any person under the age of 18 years who
2 is not ineligible for a license under paragraphs 1, 3, 4, 5, 7,
3 or 8 of Section 6-103, after the applicant has successfully
4 passed such examination as the Secretary of State in his
5 discretion may prescribe.

6 (1) An instruction permit issued under this Section
7 shall be valid for a period of 24 months after the date of
8 its issuance and shall be restricted, by the Secretary of
9 State, to the operation of a motor vehicle by the minor
10 only when accompanied by the adult instructor of a driver
11 education program during enrollment in the program or when
12 practicing with a parent, legal guardian, family member, or
13 a person in loco parentis who is 21 years of age or more,
14 has a license classification to operate such vehicle and at
15 least one year of driving experience, and who is occupying
16 a seat beside the driver.

17 (2) A 24 month instruction permit for a motor driven
18 cycle may be issued to a person 16 or 17 years of age and
19 entitles the holder to drive upon the highways during
20 daylight under direct supervision of a licensed motor
21 driven cycle operator or motorcycle operator 21 years of
22 age or older who has a license classification to operate
23 such motor driven cycle or motorcycle and at least one year
24 of driving experience.

25 (3) A 24 month instruction permit for a motorcycle
26 other than a motor driven cycle may be issued to a person

1 16 or 17 years of age in accordance with the provisions of
2 paragraph 2 of Section 6-103 and entitles a holder to drive
3 upon the highways during daylight under the direct
4 supervision of a licensed motorcycle operator 21 years of
5 age or older who has at least one year of driving
6 experience.

7 (b) An instruction permit issued under this Section when
8 issued to a person under the age of 17 years shall, as a matter
9 of law, be invalid for the operation of any motor vehicle
10 during the same time the child is prohibited from being on any
11 street or highway under the provisions of the Child Curfew Act.

12 (b-1) No instruction permit shall be issued to any
13 applicant who is under the age of 18 years and who has been
14 certified to be a chronic or habitual truant, as defined in
15 Section 26-2a of the School Code.

16 An applicant under the age of 18 years who provides proof
17 that he or she has resumed regular school attendance or that
18 his or her application was denied in error shall be eligible to
19 receive an instruction permit if other requirements are met.
20 The Secretary shall adopt rules for implementing this
21 subsection (b-1).

22 (c) Any person under the age of 16 years who possesses an
23 instruction permit and whose driving privileges have been
24 suspended or revoked under the provisions of this Code shall
25 not be granted a Family Financial Responsibility Driving Permit
26 or a Restricted Driving Permit.

1 (d) A person holding an instruction permit under this
2 Section must display on any vehicle he or she is driving a sign
3 or signs, approved by the Secretary of State, indicating that
4 the vehicle is being driven by a new driver.

5 The Secretary shall adopt rules for implementing this
6 subsection (d). The rules shall address, among other issues,
7 the issue of whether a fee shall be charged for obtaining the
8 sign or signs and the amount of the fee, if any.

9 (Source: P.A. 94-916, eff. 7-1-07.)